

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re: JAMES E. BOZER	:	
Debtor	:	
	:	
JAMES E. BOZER	:	Case No. 11-41056-MS
Plaintiff	:	Chapter 7
	:	
vs:	:	Adv Proc No.
	:	
SALLIE MAE	:	
Defendant	:	
	:	
	:	

COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN

1. On October 26, 2011 the debtor filed a petition for relief under chapter 7 of the Bankruptcy Act. This court has jurisdiction over this action under 28 U.S.C. Section 1334. This proceeding is a core proceeding.
2. One of the unsecured debts owing by the Debtor and listed on Schedule F is a student loan owing to Sallie Mae in the sum of \$44,132.83 which was used by the Debtor for tuition and permitted school expenses.
3. As a result of the Debtor's while serving in the army as an officer during the conflict in Kosovo and Bosnia, the Debtor became ill and since his discharge has been suffering from psychiatric and other health related problems associated with drugs and alcohol.
4. During the past year the Debtor completed a substance abuse program at the Veterans Administration. On May 2, 2011 he was admitted to the VA Medical Center for

depression and alcohol dependency. After completion of the program he entered intensive outpatient therapy which he completed on June 6, 2011. He is currently on medication for what is called social phobia and generalized anxiety with associated panic attacks. A copy of a letter from Christopher Gates, licensed psychologist of the Veterans Administration is annexed hereto as exhibit "A" and a copy of a letter from Lynette Johnson a Veterans Administration psychologist is annexed hereto as Exhibit "B"

5. He is continuing treatment under the care of the Veterans Administration. Annexed hereto as Exhibit "C" is a copy of a letter from Fouad Eljarrah MH confirming the continued treatment and concluding that the Debtor's symptoms negatively affect his ability to obtain and maintain gainful employment and that it is not anticipated that he will recover in the foreseeable future.
6. The Debtor cannot work, and have not been able to be gainfully employed since September 9, 2009. The Debtor is currently taking Sertraline, HCL 100 Mg, Clonazepam .5 mg and Propranolol 10 mg. to control his symptoms. A copy of the prescriptions for these medications is annexed hereto as Exhibit "D" and made a part hereof.
7. The Debtor's student loans were incurred in the 1990's. In 2003 the loans were consolidated. The Debtor's student loans may be dischargeable pursuant to 11 USC 523 (a)(8) . In Bruner v New York State Higher Education Services Corp. 831 F.2d 395 (2nd Cir. 1987) aff'g 46 B.R. 752 (Bankr. S.D.N.Y. 1985) the test is (1) that the debtor cannot pay the student loan and maintain a minimal standard of living; (2) that this situation is likely to persist for a significant portion of the repayment period of the student loans, and (3) that the debtor has made a good faith efforts to repay the loans.
8. The Debtor has no income and am dependent upon his family. particularly from his brother with whom he resides and from his father. The doctors have indicated that

the Debtor will not be able to work for the foreseeable future. Without income the Debtor cannot make payments of the student loans.

9. The Debtor seeks an order of the Court discharging the Debtor's student loan pursuant to 11 USC 523(a)(8).



ARTHUR C. LINDERMAN ESQ. (6731)
Attorney for the Plaintiff
34 North Sussex Street
Dover, New Jersey 07801
201-366-0007



DEPARTMENT OF VETERANS AFFAIRS
New Jersey Health Care System

November 22, 2011

To Whom It May Concern:

This letter serves as notice that Mr. Bozer was enrolled and successfully completed the requirements of the East Orange VA Hospital's 32 day residential treatment program. He was admitted to the program on 5/6/2011 and was discharged on 6/6/2011. Due to his successful stay in the East Orange VA Substance Abuse Residential Rehabilitation Treatment Program (SARRTP), this veteran was considered suitable for the rigorous Intensive Outpatient Substance Abuse Treatment Program here at the East Orange VA Medical Center. Concurrent with his substance abuse is underlying anxiety and depression. He is on medication which is being managed by a VA psychiatrist which, coupled with his counseling, has improved his symptomatology. Despite treatment and medication, Mr. Bozer still suffers from social phobia and generalized anxiety. At times, this has also led to panic attacks.

This individual has signed consent to release medical information to allow the undersigned and East Orange VA behavioral health staff contact with your department. Please do not hesitate to contact me or my colleagues regarding this veteran.

Most respectfully,

Christopher Gates

Christopher Gates, Ph.D.
Licensed Psychologist
Program Manager
Substance Abuse Residential Rehabilitation Program
New Jersey Department of Veterans Affairs
385 Fremont Ave. East Orange NJ 07018

973 676.1000 x 1467

Christopher.Gates@va.gov

Fax 973 395.7016

■ **VA Medical Centers**

East Orange Campus
385 Fremont Avenue
East Orange, NJ 07018
(973) 676-1000

Lyons Campus
151 Knollcroft Road
Lyons, NJ 07039
(908) 647-0180

■ **VA Community Based
Outpatient Clinics
(CBOCs)**

James J. Howard CBOC
970 Route 70
Brook, NJ 08824
(732) 208-2900

Elizabeth CBOC
654 East Jersey Street
Suite 2A
Elizabeth, NJ 07206
(908) 994-0120

Fort Monmouth CBOC
Patterson Army Health Clinic
Building 1075, Stephenson Ave
Fort Monmouth, NJ 07703
(732) 532-4500

Hackensack CBOC
385 Prospect Avenue
Hackensack, NJ 07601
(201) 487-1390

Jersey City CBOC
115 Christopher Columbus Dr
Jersey City, NJ 07307
(201) 435-3055

Morristown CBOC
340 West Hanover Ave
Morristown, NJ 07960
(973) 539-9791

Newark CBOC
20 Washington Place
Newark, NJ 07102
(973) 645-1441

New Brunswick CBOC
317 George Street
New Brunswick, NJ 08901
(732) 729-0648

Paterson CBOC
275 Getty Avenue
Paterson, NJ 07503
(973) 247-1666

Trenton CBOC
University Office Plaza
3635 Quaker Bridge Road
Hamilton, NJ 08619
(609) 570-6800

EXHIBIT "A"



Medical Center
385 Tremont Avenue
East Orange NJ 07018
(973) 676-1000

Medical Center
151 Knollcroft Road
Lyons NJ 07939
(908) 647-0180

James J. Howard
Outpatient Clinic
970 Route 70
Brick NJ 08724
(732) 206-8900

VA Primary Care Clinic
382 Prospect Avenue
Hackensack NJ 07601
(201) 487-1390

VA Primary Care Clinic
171 Jersey Street Bldg. 36
Trenton NJ 08611-2425
(609) 989-2355

VA Primary Care Clinic
654 East Jersey St. 2nd Fl.
Elizabeth NJ 07201
(908) 994-0120

VA Primary Care Clinic
115 Christopher Columbus Dr.
Jersey City NJ 07302
(201) 435-3055

VA Primary Care Clinic
317 George Street
New Brunswick NJ 08901
(732) 729-9555

VA Primary Care Clinic
540 W. Hanover Avenue
Morris Plains NJ 07950
(973) 539-9791

VA Primary Care Clinic
20 Washington Place
Newark NJ 07102
(973) 645-1441

October 28, 2011

Re: James Bozer

To Whom It May Concern:

The above veteran was admitted to the VA Medical Center on May 2, 2011 for depression and alcohol dependency. He was transferred to the Residential Substance Abuse Treatment Program on May 6. He participated well in the program and completed it June 10. He entered the Intensive Outpatient the next day.

He attended the Intensive Outpatient Program which requires daily attendance from 8:30 am to 2:00 pm for group and individual therapy and psychoeducational groups. Drug screen urines are taken three times a week, and breathalyzers are given daily. The program includes daily group therapy and relapse prevention classes. He participated and attended consistently, completing the 90 day program on September 20. He was followed by the psychiatrist and given sertraline to stabilize his depression.



Lynnette Johnson, Ph.D.
Psychologist
(973)676-1000, ext. 2591

EXHIBIT "B"



adversary complaint Page 6 of 12
DEPARTMENT OF VETERANS AFFAIRS
New Jersey Health Care System

12/5//2011

To Who It May Concern.

This letter is to inform you that Mr. James Edward Bozer, DOB 07/23/1975, has been under my psychiatric care since May 2010.

He carries the diagnosis of Depression, Social phobia, Generalized Anxiety disorder.

He has been in counseling since 2008.

He is currently treated with individual/group therapy in addition to pharmacotherapy by this author.

Veteran has severe symptoms that negatively affects his ability to obtain and maintain gainful employment.

He is not expected to fully recover in the foreseeable future.

Please feel free to contact us for more information


Fouad Eljarrah MD.

■ **VA Medical Centers**

East Orange Campus
385 Tremont Avenue
East Orange, NJ 07018
(973) 676-1000

Lyons Campus
151 Knollcroft Road
Lyons, NJ 07939
(908) 647-0180

■ **VA Community Based
Outpatient Clinics
(CBOCs)**

James J. Howard CBOC
970 Route 70
Brick, NJ 08724
(732) 206-8900

Elizabeth CBOC
654 East Jersey Street
Suite 2A
Elizabeth, NJ 07206
(908) 994-0120

Hackensack CBOC
385 Prospect Avenue
Hackensack, NJ 07601
(201) 487-1390

Hamilton CBOC
University Office Plaza I
3635 Quakerbridge Road
Hamilton, NJ 08619
(609) 570-6600

Jersey City CBOC
115 Christopher Columbus Drive
Jersey City, NJ 07302
(201) 435-3055

Morristown CBOC
340 West Hanover Avenue
Morristown, NJ 07960
(973) 539-9791

Newark CBOC
20 Washington Place
Newark, NJ 07102
(973) 645-1441

Paterson CBOC
11 Getty Avenue
Building 275
Paterson, NJ 07503
(973) 247-1666

Piscataway CBOC
14 Wills Way
Piscataway, NJ 08854
(732) 981-8193

Tinton Falls CBOC
The Atrium
55 Gilbert Street
Building 4, 1st Floor, Suite 4101
Tinton Falls, NJ 07701
(732) 842-4751

Exhibit "C"

Outpatient Medication Details

BOZER, JAMES EDWARD 055-74-2960

Jul 23, 1975 (36)

*** WORK COPY ONLY ***

Printed: Nov 03, 2011 14:50

SERTRALINE TAB 100MG

TAKE ONE-HALF TABLET BY MOUTH DAILY for depression (note dosage increase)

Quantity: 15 Refills: 1

Activity:

09/28/2011 11:45 New Order (Renewal) entered by ELJARRAH, FOUAD (PHYSICIAN)

Order Text: SERTRALINE TAB 100MG

TAKE ONE-HALF TABLET BY MOUTH DAILY for depression (note dosage increase)

Quantity: 15 Refills: 1

Nature of Order: ELECTRONICALLY ENTERED

Elec Signature: ELJARRAH, FOUAD (PHYSICIAN) on 09/28/2011 11:48

Current Data:

Treating Specialty:

Ordering Location: E-SA PSYCHIATRY IND

Start Date/Time: 09/29/2011 (originally 08/05/2011)

Stop Date/Time: 09/28/2012

Current Status: ACTIVE

Orders that are active or have been accepted by the service for processing. e.g., Dietetic orders are active upon being ordered, Pharmacy orders are active when the order is verified, Lab orders are active when the sample has been collected, Radiology orders are active upon registration.

Order #32868553

Order:

Medication: SERTRALINE TAB 100MG

Instructions: 50MG BY MOUTH DAILY

Sig:

TAKE ONE-HALF TABLET BY MOUTH DAILY

Patient Instructions:

for depression (note dosage increase)

Days Supply: 30

Quantity: 15

Refills: 1

Pick Up: WINDOW

Priority: ROUTINE

Comments:

Dispense Drugs (units/dose): SERTRALINE HCL 100MG TAB ()

Last Filled: 10/28/11

Refills Remaining: 0

Filled: 9/29/11 (Window) released 9/29/11

RENEWED FROM RX # 324457909

10/28/11 (Mail) released 10/31/11

Prescription#: 324457909A

Pharmacist: LAU, JAMES

First Party Pay Exemptions

Order Checks:

Outpatient Medication Details

BOZER, JAMES EDWARD 055-74-2960 Jul 23, 1975 (36)

*** WORK COPY ONLY ***

Printed: Nov 03, 2011 14:50

HIGH: Duplicate Therapy: Order(s) exist for {SERTRALINE HCL 50MG TAB
[DISCONTINUED (EDIT)]} in the same therapeutic categor(ies):
Antidepressants, Serotonin-Specific ReUptake Inhibitor(SSRIs)
Antidepressants
Override: ELJARRAH, FOUAD (PHYSICIAN) on 09/28/2011 11:48
ok

MEDICATION HISTORY for SEP 04, 2011 to NOV 03, 2011
Run Date: NOV 03, 2011@14:50

Page: 1

MEDICATIONS SEARCH LIST: SERTRALINE

Patient: BOZER, JAMES EDWARD	SSN: 055-74-2960	DOB: JUL 23, 1975 (36)
Sex: MALE	Ht/Wt: 182cm/93kg	Ward: E-18BD Rm 135-28
Dx: SUBSTANCE ABUSE	Last Mvmt: JUN 6, 2011@18:40	Type: DISCHARGE

ADRs: No ADRs on file.

Allergies: No Known Allergies

Location	St Sch	Administration Date	By	Injection Site
Units	Units of			
GIVEN	Administration	Medication & Dosage		

<<<< NO HISTORY FOUND FOR THIS TIME FRAME >>>>

BOZER, JAMES EDWARD 055-74-2960
Ward: E-18BD Room-Bed: 135-28

End of report

Outpatient Medication Details

BOZER, JAMES EDWARD 055-74-2960 Jul 23, 1975 (36)

*** WORK COPY ONLY ***

Printed: Nov 03, 2011 14:51

clonAZEpam TAB 0.5MG
TAKE ONE TABLET BY MOUTH TWICE A DAY
Quantity: 60 Refills: 1

Previous Order:

Order Text: clonAZEpam TAB 0.5MG
TAKE ONE TABLET BY MOUTH TWICE A DAY
Quantity: 60 Refills: 1

Activity:

09/28/2011 11:47 New Order (Change) entered by ELJARRAH, FOUAD (PHYSICIAN)

Order Text: clonAZEpam TAB 0.5MG
TAKE ONE TABLET BY MOUTH TWICE A DAY
Quantity: 60 Refills: 1

Nature of Order: ELECTRONICALLY ENTERED

Elec Signature: ELJARRAH, FOUAD (PHYSICIAN) on 09/28/2011 11:48

Current Data:

Treating Specialty:

Ordering Location: E-SA PSYCHIATRY IND

Start Date/Time: 09/29/2011

Stop Date/Time: 03/30/2012

Current Status: ACTIVE

Orders that are active or have been accepted by the service for processing. e.g., Dietetic orders are active upon being ordered, Pharmacy orders are active when the order is verified, Lab orders are active when the sample has been collected, Radiology orders are active upon registration.

Order #32868594

Order:

Medication: clonAZEpam TAB 0.5MG

Instructions: 0.5MG BY MOUTH BID

Sig:

TAKE ONE TABLET BY MOUTH TWICE A DAY

Days Supply: 30

Quantity: 60

Refills: 1

Pick Up: WINDOW

Priority: ROUTINE

Comments:

Dispense Drugs (units/dose): CLONAZEPAM 0.5MG TAB ()

Last Filled: 9/29/11

Refills Remaining: 1

Filled: 9/29/11 (Window) released 9/29/11

Prescription#: 324481025

Pharmacist: LAU, JAMES

First Party Pay Exemptions

Order Checks:

HIGH: Duplicate Therapy: Order(s) exist for {HYDROXYZINE PAMOATE 50MG CAP

Outpatient Medication Details

BOZER, JAMES EDWARD 055-74-2960 Jul 23, 1975 (36)

*** WORK COPY ONLY ***

Printed: Nov 03, 2011 14:51

[UNRELEASED], HYDROXYZINE PAMOATE 50MG CAP [ACTIVE]] in the same
therapeutic categor(ies): Antianxiety Agents
Override: ELJARRAH, FOUAD (PHYSICIAN) on 09/28/2011 11:48
ok

MEDICATION HISTORY for SEP 04, 2011 to NOV 03, 2011
Run Date: NOV 03, 2011@14:50

Page: 1

MEDICATIONS SEARCH LIST: clonAZEpam

Patient: BOZER, JAMES EDWARD SSN: 055-74-2960 DOB: JUL 23, 1975 (36)
Sex: MALE Ht/Wt: 182cm/93kg Ward: E-18BD Rm 135-28
Dx: SUBSTANCE ABUSE Last Mvmt: JUN 6, 2011@18:40 Type: DISCHARGE

ADRs: No ADRs on file.

Allergies: No Known Allergies

Location	St Sch	Administration Date	By	Injection Site
Units	Units of			
				Medication & Dosage
GIVEN	Administration			

<<<< NO HISTORY FOUND FOR THIS TIME FRAME >>>>

BOZER, JAMES EDWARD 055-74-2960
Ward: E-18BD Room-Bed: 135-28

End of report

Outpatient Medication Details

BOZER, JAMES EDWARD 055-74-2960

Jul 23, 1975 (36)

*** WORK COPY ONLY ***

Printed: Nov 03, 2011 14:51

PROPRANOLOL TAB 10MG
TAKE ONE TABLET BY MOUTH TWICE A DAY
Quantity: 60 Refills: 0

Activity:

06/29/2011 13:56 New Order (Renewal) entered by ELJARRAH, FOUAD (PHYSICIAN)

Order Text: PROPRANOLOL TAB 10MG
TAKE ONE TABLET BY MOUTH TWICE A DAY
Quantity: 60 Refills: 0

Nature of Order: ELECTRONICALLY ENTERED

Elec Signature: ELJARRAH, FOUAD (PHYSICIAN) on 06/29/2011 13:56

Current Data:

Treating Specialty:

Ordering Location:

E-SA PSYCHIATRY IND

Start Date/Time:

06/29/2011 (originally 06/03/2011)

Stop Date/Time:

07/29/2011

Current Status:

EXPIRED

Orders that have a stop date which has expired. e.g., Unit Dose
orders expire at some sites 14 days after the order is created,
but may be renewed within a hospital designated time
after the expiration date.

Order #32180828

Order:

Medication:

PROPRANOLOL TAB 10MG

Instructions:

10MG BY MOUTH BID

Sig:

TAKE ONE TABLET BY MOUTH TWICE A DAY

Days Supply:

30

Quantity:

60

Refills:

0

Pick Up:

MAIL

Priority:

ROUTINE

Comments:

Dispense Drugs (units/dose): PROPRANOLOL 10MG TAB ()

Last Filled: 6/29/11

Refills Remaining: 0

Filled: 6/29/11 (Mail) released 6/30/11

RENEWED FROM RX # 324430592

Prescription#: 324430592A

Pharmacist: JOSEPH, MARILYN

First Party Pay Exemptions

Outpatient Medication Details

BOZER, JAMES EDWARD 055-74-2960 Jul 23, 1975 (36)

*** WORK COPY ONLY ***

Printed: Nov 03, 2011 14:51

MEDICATION HISTORY for SEP 04, 2011 to NOV 03, 2011
Run Date: NOV 03, 2011@14:51

Page: 1

MEDICATIONS SEARCH LIST: PROPRANOLOL

Patient: BOZER, JAMES EDWARD SSN: 055-74-2960 DOB: JUL 23, 1975 (36)
Sex: MALE Ht/Wt: 182cm/93kg Ward: E-18BD Rm 135-28
Dx: SUBSTANCE ABUSE Last Mvmt: JUN 6, 2011@18:40 Type: DISCHARGE

ADRs: No ADRs on file.

Allergies: No Known Allergies

Location St Sch Administration Date By Injection Site
Units Units of
GIVEN Administration Medication & Dosage

<<<< NO HISTORY FOUND FOR THIS TIME FRAME >>>>

BOZER, JAMES EDWARD 055-74-2960
Ward: E-18BD Room-Bed: 135-28

End of report